

Patent Application
NC 82,637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re : Chow et al
Serial No.: 09/964,544
Filed: Sept. 28,2001
Title: Nanosize Particle Coatings Made By
Thermally Spraying Solution
Precursor Feedstocks

Examiner: Jason Savage
Group Art Unit: 1775

Date: April 14, 2004

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Reply Brief

This is in response to Examiner's Answer mailed March 18, 2004, and to item 7, in particular.

In item 7 (Grouping of Claims) of the Examiner's Answer, the Examiner has stated the following:

"The rejected claims 19-22 and 24-25 stand or fall together because appellant's brief does not include reasons in support of the statement that this grouping of claims does not stand or fall together. See 37 CFR 1.192(c)(7)."


Appellant begs to differ. Here is what was stated in item 7 of the Second Appeal Brief dated January 6, 2004:

"All claims on appeal herein, i.e., claims 19,20,21,22,24 and 25, do not stand or fall together. Claims 19 and 20 stand finally rejected as being anticipated and claims 21, 22, 24 and 25 stand finally rejected as being obvious. The anticipation and obviousness standards of patentability under 35 U.S.C. 102(a) and 35 U.S.C. 102(a) are different and can lead to different results."

An error appears in the above-quoted passage. The anticipation rejection is on 35 U.S.C.

102(e) and the obviousness rejection is on 35 U.S.C. 103(a). The rationale of Appellant's argument remains the same and is hereby included in item 8 of the Second Appeal Brief under sub-sections (ii) and (iv) for the first time.

Respectfully submitted,

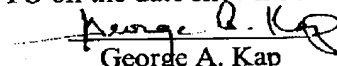

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Fax Certification

I hereby certify that this document is being faxed to the PTO on the date shown below:

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